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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/024,637    02/17/98    WIMBERGER FRIEDL    R    PHN-16,244

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MMC2/0718

EXAMINER

DINH.T

ART UNIT

PAPER NUMBER

2841

DATE MAILED:

07/18/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/024,637

Applicant(s)

WIMBERGER FRIEDL ET AL.

Examiner

Tuan T Dinh

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on 17 February 1998 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 7.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

**Claims 8-13 are independent claims.** This application **will charged** for three extra independents as to authorized by the 2/17/1998 **transmittal letter**.

#### *Specification*

The abstract of the disclosure is objected to because

It refers to a method, and there are no longer any method claims in this application.

Correction is required. See MPEP § 608.01(b).

Applicant is advised that should **claims 9-10** be found allowable, **claims 12-14** will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When **two claims in an application are duplicates** or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-10 and 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8, lines 3-4, is unclear. Applicant state" the capping layer exhibiting a variation of the mechanical properties in a direction at right angles to the capping layer"; however, the capping layer cannot have properties in a direction at right angles by itself. The capping layer can be directed at right angles to the **housing** of the printed circuit.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 8-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Heiss (U. S. Patent 5,703,761)

As best understood to claims 8-14, Heiss discloses a mobile telephone as shown in figures 1-2 comprising a housing (4) having a synthesis resin capping layer (7) and a printed circuit board (2). The circuit board has at least one electric component (1), and the capping layer exhibiting variation of the mechanical properties in a direction at right

angles to the housing of the mobile phone (column 1, lines 8-15, column 2, lines 8-13, 17-22, and 33-40).

**Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cuntz et al, Jones, Verma, Klein discloses related art.

12. Any inquiry concerning this communication or earlier communications from the examiner should be direct to Tuan Dinh whose telephone number is (703) 306-5856 or fax number (703) 305-3431. If attempts to reach the above noted examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffrey Gaffin can be reached at (703) 308-3301.

**Tuan Dinh**

July, 2000.

  
Jeffrey Gaffin  
Supervisory Patent Examiner  
Technology Center 2800